

REMARKS/ARGUMENTS

The Applicants originally submitted Claims 1-19 in the Application. Claim 7 was cancelled without prejudice or disclaimer. In the present Amendment, the Applicants amend Claims 1, 8, 12, and 16. Accordingly, Claims 1-6 and 8-19 are currently pending in the Application. Support for the present Amendments can be found, for example, in Fig. 1, Figure 4, and in paragraphs [0023-0027] and of the present Application.

I. Rejection of Claims 1-6 and 8-19 under 35 U.S.C. §103

The Examiner has rejected Claims 1-6 and 8-19 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6, 741,989 to Seltzer *et al.* (“Seltzer”) in view of U.S. Patent 5,301,105 No. to Cummings, Jr., (“Cummings,”) U.S. Patent No. 6,067,522 to Warady *et al.*, (“Warady,”) U.S. Patent Publication No. 2003/0046422 to Narayanan *et al.* (“Narayanan,”) and further in view of an Official Notice.

Claim 1 is directed to a method for centralizing a capital expenditure approval process for expenditures by employees in various departments of a company. Amended Claim 1 includes: “c) using the factors of step b) to further determine a number of a plurality of levels of approvals required for each capital expenditure of a plurality of capital expenditures” Amended Claim 1 also includes: “f) using the online computer system to compare the department identification of the department which wants to incur the capital expenditure inputted in step e) and the factors which are to be considered as a prerequisite of the approval of a desired capital expenditure with the database and generating a table of requisite approvers for the desired capital expenditure as a function of at least a plurality of a requisite number of plurality of approvals, *the table of requisite approvers*

including an approval chain, wherein a lower level of the approval chain is required to approve each capital expenditure before a higher level of the approval chain can approve each capital expenditure” (Emphasis added.)

For at least some embodiments of Claim 1, paragraph [0026] of the present Application states:

[F]orm 12 requires the employee to identify his/her department of employment 28. As shown in Figure 2A, the employee selects the department of employment from a preprogrammed drop down list of department choices. Once employee 11 selects the appropriate department from the drop down list in block 28, it is permanently entered onto form 12. The selection of a department from the drop down list is the sole decider of which approvals are required because each of the departments shown at 28 in Figure 2A are preprogrammed to selected approval chains.

IA. The Examiner recognizes that Seltzer fails to teach elements of “step c),” that of “to further determine a number of a plurality of levels of approvals required ...” as previously presented.

However, regarding step b), the Examiner contends that Seltzer teaches:

b) determining factors which are to be consider as a prerequisite to an approval of a plurality of capital expenditures (... where ‘approve or disapprove of a proposed expenditure within he partnership based on the risk factor table’ and ‘including key factors partners should be aware of, an authorization for expenditure’ is equivalent of ‘determining factors which are to be considered as a prerequisite to an approval of a plurality of capital expenditures’) (See Examiner's Action, page 2.)

The Applicants respectfully disagree with the Examiner regarding this above contention. The above cited passages do not disclose determining *which* factors are to be considered as a prerequisite for approval. In the cited passages of Seltzer, “key factors” can be presented to the partners, and then a determination is made. However, Seltzer does not disclose that a determination of *which* factors, such as *which* “key” factors, are to be considered as a prerequisite for approval. Therefore, the Applicants respectfully state that the Examiner has not met her *prima facie* burden regarding the

rejection of Claim 1.

IB. Nor does Cummings compensate for the deficiencies of Seltzer. The Examiner does not cite Cummings for “step b)” or “step c)” of Claim 1.

The Examiner does contend, however, that Cummings discloses at least part of “step f)” of Claim 1. The Examiner contends that Cummings discloses: “f) using the online computer system to compare the inputted *department identification* (see column 7, lines 41-47, 61-65, and column 8, lines 1-20 of Cummings, where ‘central processing system or a personal computer’ is equivalent of ‘computer system’).” (See Examiner’s Action, page 4; emphasis added.)

The Applicants again respectfully traverse the characterization of Cummings as disclosing these claim elements. Cummings, column 7, lines 41-47, is directed to a general discussion of a distributed processing environment, not to “f) using the online computer system to *compare* the *department identification* of the department which wants to incur the capital expenditure inputted in step e) ...” as claimed in Claim 1.

Cummings, column 7, lines 61-65, is directed to a general discussion of a presentation of data and a review of data by a physician, not to “f) using the online computer system to *compare* the *department identification* of the department which wants to incur the capital expenditure inputted in step e) ...” as claimed in independent Claim 1.

Cummings, column 8, lines 1-20, states:

Authorization and Identification 71 are made by designees such as authorized personnel within a company personnel department or an appropriate official within an insurance company. Once authorized, a *participant* is provided with an appropriate identification and/or other indicia which are subsequently used by the System to *verify his authorization* to participate as well as to *identify his records and other information* and data utilized by the System in carrying out its functions.

(Emphasis added.)

However, Cummings, column 8, lines 1-20, does not disclose comparing inputted *department identification*. Nor does Cummings, column 8, lines 20 disclose “f) using the online computer system to compare the department identification of *the department which wants to incur the capital expenditure inputted in step e)* ...” as claimed.

Instead, at best, Cummings column 8, lines 1-20, is directed to verifying *personal identification* and identifying “his” records and data. However, Claim 1 is directed to *comparing department* identification of the department which wants to incur the capital expenditure inputted in “step e).” There is no disclosure of a “department identification” in the above cited passages of Cummings as previously or currently amended in Claim 1. Nor is there a disclosed in the cited passage a *comparison* as claimed in “step f” of Claim 1 which includes “of the department which wants to incur the capital expenditure inputted in step e) ... with the database”

According to the present Application, in at least some embodiments:

[0034] FIG. 1 shows five approval levels. It will be understood by those skilled in the art that the approval process may have more, or less, than five levels of approvals, depending upon the *chain* and the *department identification*. However, no matter how many management levels are involved, each level operates the same way. Approvers are notified of any action required by them via Email and are directed to their approval modules. Each module has the same three options for the approver: approve, not approve, pending.

The Applicants respectfully state that the Examiner has not met her *prima facie* burden to cite with specificity to a comparison of department identification within Cummings and the factors which are to be considered as a prerequisite of the approval of the desired capital expenditure, regarding the rejection of Claim 1.

ICi. The Applicants also respectfully state that Warady does not compensate for the above-discussed deficiencies of Seltzer or Cummings. The Examiner cites Warady for disclosing elements of step c) of Claim 1. The Examiner contends that Warady teaches: “c) to further determine a number of levels of approvals required (column 5, lines 6-13; column 5, lines 65- column 6, line 11; column 13, lines 9-23). (See Examiner's Action, page 5.)

In the above-cited passages of Warady, a plan provider approves or does not approve insurability of an employee. In the above-cited passages of Warady, if the required prerequisites are met by the employee and approved by the plan provider, a confirmation is issued. In the cited passages of Warady, however, at best there may be disclosed, *arguendo*, a *single* level of approval, that of the plan provider, not a *determination of a number of a plurality of levels* of approvals for a capital expenditure, as claimed in Claim 1.

Indeed, according to the present Application, in some embodiments:

[0027] As also illustrated in FIG. 2 and FIG. 2A, form 12 requires the employee to identify his/her department of employment 28. As shown in FIG. 2A, the employee selects the department of employment from a preprogrammed drop down list of department choices. The selection of a department from the drop down list is the sole decider of which approvals are required because each of the departments shown at 28 in FIG. 2A are preprogrammed to selected *approval chains*. ... Therefore, the selection of department 28 automatically designates the approval process and identifies all of the requisite approvers. *Accordingly, although FIG. 1 shows five approval levels, the purchase of a different piece of equipment may only require three levels of approval, or four levels of approval.* (Emphasis added.)

The above-cited passage of the present Application describes an embodiment of determining a number of plurality of levels of approval as claimed in “step c)” of Claim 1. The Applicants respectfully state that at least this aspect of “step c” of Claim 1 is not disclosed or suggested in Warady.

Therefore, the Applicants respectfully state that the Examiner has not met her *prima facie* burden regarding the rejection of Claim 1.

ICii. The Examiner also again contends that Warady teaches at least part of “step f)” of Claim 1. The Examiner contends that Warady teaches:

f) and the factors which are to be considered as the prerequisite of the approval with the database based on at least a requisite number of approval (see column 5, lines 34-49, where “table corresponding to a flexible spending” is equivalent of “table for said expenditure”; column 5, lines 6-13; column 5, line 65-column 6, line 11; column 13, lines 9-23) generating a table of requisite approvers for the expenditure (see column 5, lines 34-49, where “table corresponding to a flexible spending” is equivalent of “table for said expenditure”); (See Examiner's Action, page 5.)

The Applicants again respectfully state that they are unable to find in the above passage as claimed in “step f)” of Claim 1. The Examiner has not cited to where the present citations disclose “using ... factors which are to be considered as the prerequisite of the approval ... and generating a table of requisite approvers ... *based on at least a requisite number of plurality of approvals...*” as claimed in clarified and amended Claim 1. (Emphasis added.)

As discussed above, in Warady a plan provider, at best a single level, approves or does not approve insurability for an employee. In the above cited passages of Warady, if the required prerequisites are met by the employee and approved by the plan provider, confirmation is issued. In Warady, however, there is at best disclosed a single approval, that of the plan provider, not “using ... factors which are to be considered as the prerequisite of the approval ... and generating a table of requisite approvers ... *as a function of at least a requisite number of plurality of approvals...*” as claimed in Claim 1.

Furthermore, the cited passages of Warady do not disclose Claim 1 as presently amended,

that of “the table of requisite approvers including an approval chain, wherein a lower level of the approval chain is required to approve each capital expenditure before a higher level of the approval chain can approve each capital expenditure.” Please see paragraph [0027] of the present Application, cited above, for an example of one embodiment of an approval chain. In Warady, although a plan provider may approve, there is not disclosed an approval chain, wherein a lower level of the approval chain is required to approve each capital expenditure before a higher level of the approval chain can approve each capital expenditure, as claimed in Claim 1.

Therefore, the Applicants again respectfully state that the Examiner has not met her *prima facie* burden regarding the rejection of Claim 1.

ID. Nor does Narayananam compensate for the deficiencies of Seltzer, Cummings or Warady. The Examiner does not cite Narayananam for either “step (c)” or “step (f)” of Claim 1 as either previously presented or currently amended.

However, the Examiner cites Narayananam for a disclosure of:

g) electronically routing the inputted information to each of the requisite approvers (see page 4-5, paragraph 0047, where “routing methods are systems disclosed herein can thus enable such approval processes to be automated across a network of approving persons” is equivalent of “electronically routing to each of the requisite approvers”). (See Examiner's Action, page 5.)

“Step g” of Claim 1 as currently amended, however, further recites that the table of requisite approvers includes the approval chain as defined previously in Claim 1. The Examiner has not cited these sections of Narayananam as disclosing at least this aspect of Claim 1.

Therefore, the Applicants again respectfully state that the Examiner has not met her *prima facie* burden regarding the rejection of Claim 1.

IE. The Applicants respectfully state that the Examiner has not presented a proper *prima facie* case for rejection of amended Claim 1, nor its dependent claims, in view of Seltzer, individually or in combination with Cummings, Warady, Narayanan, and the Official Notice. Furthermore, for similar reasons, the Examiner has not presented a proper *prima facie* case for rejection of independent Claims 8, 12, 16, nor their dependent claims, in view of Seltzer, individually or in combination with Cummings, Warady, Narayanan, and the Official Notice.

In view of the foregoing remarks, the cited passages of the above references do not support the Examiner's rejection of Claims 1-6 and 8-19 under 35 U.S.C. §103(a). The Applicants therefore respectfully request the Examiner withdraw the rejection and allow issuance of pending Claims 1-6 and 8-19.

II. Conclusion

In view of the foregoing amendment and remarks, the Applicants now see all of the Claims currently pending in this Application to be in condition for allowance and therefore earnestly solicit a Notice of Allowance for Claims 1-6 and 8-19.

The Applicants request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present Application. The Commissioner is hereby authorized to charge any fees, credits or overpayments to Deposit Account 08-2395.

Respectfully submitted,

HITT GAINES, PC

/David H. Hitt/

David H. Hitt
Registration No. 33,182

Dated: November 3, 2008

P.O. Box 832570
Richardson, Texas 75083
(972) 480-8800